

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH FRAME-WILSON, *et al.*,

No. 2:20-cv-00424-JHC

Plaintiffs,

**STIPULATED MOTION AND
[PROPOSED] ORDER REGARDING
DEPOSITION OF BEN GARRY**

AMAZON.COM, INC.

**NOTE ON MOTION CALENDAR:
August 22, 2025**

ELIZABETH DE COSTER, *et al.*,

No. 2:21-cv-00693-JHC

Plaintiffs,

V.

AMAZON.COM, INC.

No. 2:22-cv-00965-JHC

Defendant

CHRISTOPHER BROWN *et al.*

No. 2:23-cv-01495-JHC

Plaintiffs.

V.

AMAZON.COM, INC.

Defendant

FEDERAL TRADE COMMISSION, et al.

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AMAZON.COM, INC.

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**STIP. MOT. & PROPOSED ORDER RE GARRY DEPOSITION
(No. 2:20-cv-00424-JHC; No. 2:21-cv-00693-JHC;
No. 2:22-cv-00965-JHC; No. 2:23-cv-01495-JHC)**

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LAW OFFICES
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1 **WHEREAS**, Private Plaintiffs in the above-captioned matters have noticed the deposition
 2 of Mr. Benjamin Garry, who is an attorney duly licensed to practice in the State of Washington
 3 and has represented Amazon.com, Inc. (“Amazon”) as an in-house lawyer since at least 2016;

4 **WHEREAS**, parties in Coordinated Cases may participate in depositions noticed in the
 5 Coordinated Cases pursuant to the limitations set forth in the Coordinated Discovery Orders;¹

6 **WHEREAS**, pursuant to the Coordinated Discovery Orders, counsel for Plaintiffs in *FTC*
 7 (“Coordinated Parties”) have indicated their intent to participate in the deposition of Mr. Garry;

8 **WHEREAS**, this Stipulated Agreement supplements and does not supersede the terms of
 9 the Coordinated Discovery Orders, and other orders issued by the court in these and other
 10 coordinated cases;

11 **WHEREAS**, Private Plaintiffs and Coordinated Parties represent that they do not seek
 12 information that is protected by the attorney-client privilege, the work-product protection, or any
 13 other privilege or protection recognized by law;

14 **WHEREAS**, the Parties seek to balance the parties’ concerns regarding permitting
 15 reasonable discovery without creating unnecessary risk of delving into potentially privileged
 16 matters;

17 **WHEREAS**, the Parties further seek to minimize the questioning of a lawyer on topics and
 18 matters where the same information could be obtained from a non-lawyer witness;

19 Amazon, Private Plaintiffs and Coordinated Parties (collectively herein, the “Parties”)
 20 therefore agree as follows:

21 1. The Parties agree that the scope of the examination of Mr. Garry shall be limited to
 22 matters reflected in documents produced by Amazon in this case (including Coordinated Cases),
 23 in which it appears from the face of the document, metadata, or other documents or testimony
 24 provided by Amazon or its employees (current or former) that Mr. Garry authored or otherwise
 25 contributed to non-privileged discussion or drafting of the document (“Garry Documents”). The

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¹ See, e.g., *California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.) (order entered Dec. 6, 2024); *FTC v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC, Dkt. No. 337 (W.D. Wash.); *Mbadiwe et al. v. Amazon.com, Inc.*, Dkt. No. 69 No. 1:22-cv-9542-VSB (S.D.N.Y.).

1 Parties will confer in good faith concerning any disputes that arise during the deposition about this
 2 paragraph.

3 2. Pursuant to Fed. R. Evid. 502(d) and subject to the limitations in this paragraph and
 4 paragraph (3), no statement made by Mr. Garry during the deposition, nor use of, discussion of, or
 5 reference to any document or exhibit during Mr. Garry's deposition, shall, for the purposes of this
 6 proceeding or any other federal or state proceeding, constitute an independent basis for waiver by
 7 Amazon of any privilege or protection applicable to the subject or substance of his response,
 8 including the attorney-client privilege, attorney work-product protection, or any other privilege or
 9 protection recognized by law. For avoidance of doubt, this non-waiver provision does not limit
 10 Private Plaintiffs' or Coordinated Parties' use of Mr. Garry's testimony in any context for reasons
 11 other than asserting a privilege waiver against Amazon. This order shall be interpreted to provide
 12 the maximum protection allowed by Federal Rule of Evidence 502(d). The provisions of Federal
 13 Rule of Evidence 502(b) do not apply to this order.

14 3. Amazon agrees that it will not affirmatively cite, quote from, reference or elicit
 15 testimony (during the deposition or later, including via sworn statements) from Mr. Garry on
 16 substantive topics where Amazon objects on the basis of privilege and instructs Mr. Garry not to
 17 answer. For the avoidance of doubt, nothing in this stipulation limits Amazon's ability to submit
 18 a declaration from Mr. Garry to support any privilege dispute being resolved by the Special Master
 19 or the Court. Amazon further agrees that the non-waiver provision of paragraph (2) above shall
 20 not apply to testimony provided during Amazon's counsel's questioning of Mr. Garry during the
 21 deposition, if any.

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1 DATED August 22, 2025.

Respectfully submitted,

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2 IT IS SO ORDERED this _____ day of _____, 2025.
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5 _____
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6 UNITED STATES DISTRICT JUDGE
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